

MEMORANDUM

EDPC
Substitute to
Agenda Item No. 1(F)1

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners


DATE: October 10, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending Section 30-388.2 of the Code providing that, consistent with state law, parking charges may be imposed on vehicles displaying a disabled parking permit or license tag at any County Airport or Seaport under specified circumstances, but that such charges may not be imposed for certain vehicles as defined in such state law

This substitute differs from the original item in that it makes the following changes: (i) the substitute confirms that the amendatory language applies to Section 30-388.2 as well as the remainder of the Miami-Dade County Code; (ii) the substitute clarifies that the references to disabled parking permits or license tags are references to the Florida Statutes; (iii) the substitute allows a vehicle displaying a disabled parking permit or tag to park for up to two (2) hours for free in any of the airport parking facilities; and (iv) the substitute refers to the Airport and Seaport Departments rather than just the Airport and Seaport.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsor Vice Chair Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp

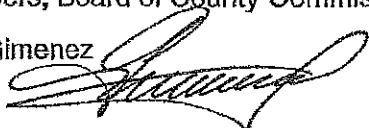
Memorandum

MIAMI-DADE
COUNTY

Date:

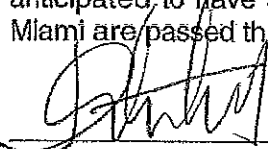
To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor



Subject: Ordinance Amending Section 30-388.2 of the Code Providing that, Consistent with State Law, Parking Charges may be Imposed on Vehicles Displaying a Disabled Parking Permit or License Tag at any County Airport or Seaport Under Specified Circumstances, but that Such Charges may not be Imposed for Certain Vehicles as Defined in Such State Law

The proposed ordinance provides that, consistent with state law, parking charges may be imposed on vehicles displaying a disabled parking permit or license tag at any county airport or seaport under specified circumstances, but that such charges may not be imposed for certain vehicles as defined in such state law; and amends Section 30-388.2. Implementation of this ordinance will result in approximately \$3 million in additional revenues for the Aviation Department. The Port of Miami is not anticipated to have an increase in revenues since parking charge revenues generated at the Port of Miami are passed through to the cruise lines.



Jack Osterholt
Deputy Mayor

Fls8713



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 5, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
11-5-13

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 30-388.2 OF THE MIAMI-DADE COUNTY CODE PROVIDING THAT, CONSISTENT WITH STATE LAW, PARKING CHARGES MAY BE IMPOSED ON VEHICLES DISPLAYING A DISABLED PARKING PERMIT OR LICENSE TAG AT ANY COUNTY AIRPORT OR SEAPORT UNDER SPECIFIED CIRCUMSTANCES, BUT THAT SUCH CHARGES MAY NOT BE IMPOSED FOR CERTAIN VEHICLES AS DEFINED IN SUCH STATE LAW; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Miami International Airport is the only airport in Florida that offers free parking to all disabled persons; and

WHEREAS, if free parking at Miami International Airport was not offered to all disabled persons, Airport revenues would increase by approximately \$3,700,000.00; and

WHEREAS, if free parking at the Port of Miami was not offered to all disabled persons Port revenues would increase by \$800,000.00; and

WHEREAS, the Office of the Inspector General has issued a report detailing numerous instances of improper or fraudulent uses of these free parking spaces; and

WHEREAS, the Port of Miami and Miami International Airport are two of the largest economic engines in Miami-Dade County; and

WHEREAS, increased revenue at these facilities provides a competitive advantage in these facilities remaining national leaders in air and sea traffic,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 30-388.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 30-388.2. Free public parking for the physically disabled.

Any motor vehicle which is qualified to park in a specially marked parking space designated for the physically disabled pursuant to Article II of this chapter shall be permitted to park in any public parking space in Miami-Dade County without incurring a fee for parking. For purposes of this section, the term "public parking space" shall mean a parking space provided by Miami-Dade County and each municipality within Miami-Dade County, and each agency, instrumentality and authority thereof.

>>Notwithstanding anything in the<< >>foregoing or in the<<²

>>Miami-Dade County Code to the contrary, however,<< >>(i)<<

>>the Aviation Department shall be entitled to charge and collect parking fees for the use of any County airport parking facility, including facilities providing temporary, short-term, or up-close parking sites,<< >>by vehicles that display a disabled parking permit or license tag issued under Sections 316.1958, 320.084, 320.0842, 320.0843, 320.0845, or 320.0848,<< >>of the Florida Statutes<< >>as such sections may be amended from time to time, except that any such vehicle exiting an airport parking facility less than two hours from entering the facility shall not be charged parking fees but any such vehicle exiting the facility more than two hours from entering the facility shall be charged for the entire time the vehicle uses the facility,<< >>and<< >>(ii)<< >>the Seaport Department shall be entitled to charge and collect parking fees for the use of any timed parking spaces in a parking garage, facility, lot, or space, including temporary, short-term, or other up-close parking site, by vehicles that display a disabled parking permit or license tag issued under Sections 316.1958, 320.084, 320.0842, 320.0843, 320.0845, or 320.0848, as such sections may be amended from time to time, but no parking charges shall be imposed by the<< >>Airport or Seaport Department<<[[Airport or

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

~~the Seaport]]>>~~upon any vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, or for utilization by a person who has a disability or whose vehicle is displaying the Florida Toll Exemption permit.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

JMM/ER

Thomas P. Abbott

Prime Sponsor: Commissioner Sally A. Heyman
Co-Sponsor: Vice Chair Lynda Bell

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